

DRINKING WATER & WASTEWATER PROFESSIONALS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 2/7/2018

BOARD MEMBERS PRESENT: Dr Joan M Cloonan - Chair
Brad D Andersen
Michael S Parker
Daniel J Messier
Michael W Shepherd
Paul D Sifford
Barry N Burnell

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Admin. Support Manager
Eric Nelson, Board Prosecutor
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Kellie LaBonte, Technical Records Specialist II

OTHERS PRESENT: Kevin McLeod, Idaho Rural Water Association
Brandon Ivie
Michael Brown, Department of Environmental
Quality
Wendi Secrist, Workforce Development Council

The meeting was called to order at 8:30 AM MST by Vice Chair Shepherd.

Mr. Messier made a motion to adopt the amended agenda as a Findings of Fact, Conclusions of Law and Final Order was received the day before the meeting. It was seconded by Mr. Parker. Motion carried.

APPROVAL OF MINUTES

Mr. Burnell made a motion to approve the minutes of 11/1/2017. It was seconded by Mr. Sifford. Motion carried.

Mr. Messier made a motion to approve the minutes of 11/27/2017. It was seconded by Mr. Sifford. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The deadline to submit proposed law changes to the Governor's Office is mid-July 2018 and the deadline to submit proposed rule changes to the Governor's Office is mid-August 2018 for the 2019 Legislative Session. Ms. Cory said that additional information would be provided later in the meeting.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$374,910 as of 1/31/2018.

Dr. Cloonan arrived at 8:35 AM. She asked if members of the public had any comments for the Board. There were no comments.

LEGISLATIVE REPORT CONTINUED

Ms. Cory informed the Board that there were legislative outreach meetings held around the state. The Board members from this Board, and other Boards served by the Bureau, have indicated that the meetings have been productive and beneficial. Dr. Cloonan stated that the meetings have been so beneficial that she would like these to continue annually to inform legislators of issues such as the apprenticeship program and portability.

DISCIPLINE

Mr. Nelson presented a Stipulation and Consent Order in cases WWP-2018-2 and WWP-2018-6. Mr. Sifford made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Parker. Motion carried.

Mr. Nelson presented a Findings of Fact, Conclusions of Law and Final Order in case WWP-2017-1. After review, a motion was made by Mr. Messier to accept the Final Order and to authorize the Board Chair to sign on behalf of the Board. It was seconded by Mr. Sifford. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

Ms. Peel discussed with the Board the collections process and the process of voluntary surrender.

Ms. Peel presented the Findings of Fact, Conclusions of Law and Final Orders in case numbers WWP-2018-5 and WWP-2018-8. After review, a motion was made by Mr. Messier to accept the Final Orders and authorize the Board Chair to sign on behalf of the Board. It was seconded by Mr. Parker. Motion carried.

INTERIM COMMITTEE UPDATE

Mr. Ellsworth stated that the Idaho Legislature has an Interim Committee that has been studying the use of hearing officers and is also looking at the Idaho Administrative Procedure Act. Draft legislation was presented at the Interim Committee's last meeting that would make substantial changes to the Idaho Administrative Procedure Act and the way contested cases are handled. The Bureau submitted a letter to the Committee seeking clarification concerning some of the proposed changes prior to the Committee's meeting on October 2, 2017. As the Bureau receives additional information, it will be provided to the Board.

Mr. Messier made a motion to have Dr. Cloonan serve as the point of contact for legislative matters. It was seconded by Mr. Parker. Motion carried.

EXECUTIVE SESSION

Mr. Messier made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Shepherd. The vote was: Dr. Cloonan, aye; Mr. Andersen, aye; Mr. Messier, aye; Mr. Shepherd, aye; Mr. Sifford, aye; Mr. Burnell, aye; and Mr. Parker, aye. Motion carried.

Mr. Messier made a motion to come out of executive session. It was seconded by Mr. Sifford. The vote was: Dr. Cloonan, aye; Mr. Andersen, aye; Mr. Messier, aye; Mr. Shepherd, aye; Mr. Sifford, aye; Mr. Burnell, aye; and Mr. Parker, aye. Motion carried.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

UPDATE FROM SUBCOMMITTEE

The Board discussed potential update to rules to change verbiage change to include the words "or certifying authorities" to Rule 400. This would cover the Professional Operator Certification as well as others. Dr. Cloonan suggested the Board may need to add certifying authority to the definitions rule. Mr. Burnell stated that changes could be made to the rule to accept other certifications singly; or globally. He said if the Board chooses the global approach, then certifying authority should be included in the definitions. Mr. Shepherd mentioned that the definitions of experience, responsible charge, and on call hours have come up a number of times during application review. He recommended looking at changes to those definitions as well. Dr. Cloonan said that all of these items

could be presented as clarification of rules. Mr. Shepherd also presented information regarding continuing education courses from the state of Iowa.

UPDATE FROM APPRENTICESHIP SUBCOMMITTEE

Mr. Brown of the Department of Environmental Quality, Mr. McLeod of the Idaho Rural Water Association, and Ms. Secrist from Workforce Development Council appeared before the Board to provide updates regarding the apprenticeship program. Mr. McLeod stated that he was attending today's meeting in place of Shelley Roberts. Ms. Secrist presented a PowerPoint developed for the apprenticeship program. The Board was provided the Work Process Schedule and Related Instruction Outline for Class I and II (Basic) and a draft Work Process Schedule and Related Instruction Outline (Advanced, beyond Class II). Discussion was held regarding operator vs. operation specialist. Ms. Secrist stated that the Board may want to add the definition of registered apprenticeship program to its rule. Ms. Secrist stated that she or Ms. Roberts would be available to speak with any legislators to discuss the apprenticeship program.

Dr. Cloonan stated that the subcommittee looking at rule changes that may be needed to implement the apprenticeship program should have draft proposed legislation for the Board to review at the May 2, 2018 meeting. Ms. Hall stated she would have Ms. Callahan contact Mr. Messier and Mr. Shepherd to follow up.

ASSOCIATION OF BOARDS OF CERTIFICATION (ABC) 2017 STANDARDIZED EXAM IMPLEMENTATION WORKSHEET

Mr. Messier made a motion to begin the 2017 standardized exams beginning 7/1/2018 for both the paper-based and web-based exams and to have the Board Chair sign on behalf of the Board. It was seconded by Mr. Burnell. Motion carried.

EXECUTIVE ORDER

Ms. Eavenson outlined the Board's role in responding to the Lt. Governor's Executive Order. There is a template that will be used to complete each Board's response, and the template contains six sections:

- A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal
- B. Applications and Renewals Denied – 2017
- C. Disciplinary Actions – Past 5 Years
- D. Law, Rule, or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry
- E. Assessment of Public Interest
- F. Recommendations for Improvement, Modification, or Elimination of Requirements

The Bureau will be responsible for gathering and entering all of the data in sections A, B and C of the template. The Bureau and each Board will jointly fill in section D regarding the Law, Rule or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry. The Board Specialist and Administrative Support Manager will assist the designated Board member with writing sections E and F.

Ideas for the EO that come up between meetings cannot be shared among Board members outside of Board meetings, but may be forwarded to the Board Specialist or Administrative Support Manager for inclusion in the next meeting.

The process will be completed in three meetings: 1) discussion, 2) review and approve a rough draft, and 3) review and approve a final draft. The final draft must be completed and approved by June 15, to meet the July 1, deadline for responding.

The Board will review the rough draft at the May 2, 2018 meeting and will review the final draft at a conference call scheduled for May 30, 2018 at 2:00 PM MDT.

ENDORSEMENT APPLICATIONS FROM CALIFORNIA

Mr. Burnell provided the Board with a spreadsheet documenting the Board's findings comparing licensure in Idaho to licensure/certification in California. This updated listed includes wastewater collections, of which California has four certification levels.

NEW BUSINESS

EXECUTIVE SESSION

Mr. Messier made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Shepherd. The vote was: Mr. Shepherd, aye; Mr. Sifford, aye; Mr. Burnell, aye; and Mr. Parker, aye. Motion carried.

Mr. Shepherd made a motion to come out of executive session. It was seconded by Mr. Parker. The vote was: Mr. Shepherd, aye; Mr. Sifford, aye; Mr. Burnell, aye; and Mr. Parker, aye. Motion carried.

ABC 2018 CONFERENCE

Mr. Shepherd said that some of the main topics applicable to Idaho that were covered at the national conference were: examination security/proctor training, regulatory questions eliminated from the examinations, a code of ethics for

Backflow Assembly Testers, and processes for continuing education course approval. The Board discussed these items but no action was taken as some items will be discussed in further detail later in the meeting.

CROSS CONNECTION BACKFLOW AND THE BAT CODE OF ETHICS

The Board discussed changes made to plumbing codes regarding double checks and proposed changes to requirements regarding testing of backflow assembly devices. No action was taken.

IDEAS FOR COVERING IDAHO REGULATIONS

The change to the 2017 ABC standardized examinations eliminated the questions regarding state regulations. The Board discussed its options to ensure that Idaho operators know the regulations e.g. continuing education course requirements or jurisprudence exams. Mr. Ellsworth said that a jurisprudence exam would require law and rule changes. Mr. Ellsworth stated that implementing jurisprudence exams is how some Boards served by the Bureau have ensured that licensees know the regulations of the license they hold. Ms. Hall showed the Board an example of a jurisprudence exam that is used by one Board. She also showed an example of how a Board uses language that is part of the application and renewal forms that hold the individual accountable for knowing the laws and rules of licensure. These statements are a part of the applications and renewal forms for the Board of Drinking Water and Wastewater Professionals. Ms. Hall stated a third option would be to have the applicants attend an exam at the Bureau. The Board discussed the options. The Board decided that the language on the affidavit of the applications and renewal forms adequately covers the issue of the individual attesting to knowing and abiding by the laws and rules of licensure. No action was taken.

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Mr. Shepherd made a motion to come out of executive session. It was seconded by Mr. Sifford. The vote was: Mr. Shepherd, aye; Mr. Sifford, aye; Mr. Burnell, aye; and Mr. Parker, aye. Motion carried.

APPLICATIONS

The Board reviewed 146 applications. Mr. Shepherd made a motion to approve 37 applications for licensure; to approve 75 applications for examination; to table 4 applications pending more information; and to hold 30 applications pending more information. It was seconded by Mr. Andersen. Motion carried.

Approved for Licensure

BEHRENS KORTNEY BLAKE	DWT1-22315
BOWMAN AUSTIN DEAN	DWT1-22363
BOWMAN AUSTIN DEAN	DWD2-22366
BOWMAN AUSTIN DEAN	WWC1-22364
BOWMAN AUSTIN DEAN	WWT1-22365
BRUNO DOUGLAS CHARLES	WWC1-22211
EGGAR TIMOTHY W	DWTOIT-22182
EGGAR TIMOTHY W	DWD1-22181
EVANS CODY	WWT1-22256
GREGORY BENJAMIN M	WWT1-22281
GROSS ROBIN	WWT1-22200
HALLE CODY	WWC1-22218
HALLE CODY	DWD1-22219
HUSS KERRY	DWD3-22192
HUSS KERRY	DWT3-22191
HUSS KERRY	WWT4-22190
IVIE BRANDON A	BAT-22224
JENKINS KEITH GLENN	BAT-22282
LAYMON TRENT	WWT1-22226
LEE MICHAEL JAMES	DWD2-22172
LEE MICHAEL JAMES	DWT2-22171
LEONARD ANTHONY V	DWD1-22216
LEONARD ANTHONY V	WWC1-22217
MORGAN DANIEL	WWC1-22352
MORGAN DANIEL	DWD1-22351
NEUNER ANDREW	DWD1-22300
NICHOLS KYLE	WWT1-22323
PALMER THOMAS A	DWT1-22123
PENNER EMERY J	DWD1-22220
PENNER EMERY J	WWT1-22221
RIDGLEY DUSTIN LEE	DWD1-22349
RIDGLEY DUSTIN LEE	DWT2-22348
SPIEGEL CASEY J	WWC1-22209
TOLBERT BRYAN KEITH	WWC1-22201
TOLBERT BRYAN KEITH	WWT1-22202
WALKER ANDREW DUANE	WWT1-22322
WILLIAMSON HARVEY LEWIS	DWD1-22263

Approved for Exam

BARKLEY MARK S	WWT4
BENJAMIN AARON	WWC1
BLOUGH BENJAMIN DALEE	WWT2
BRITTELL RICHARD WADE	WWT2
BROGLIO MARK ALAN	DWD2
BROWN EUGENE D	DWD2
BROWN EUGENE D	WWT1
BROWN EUGENE D	WWC1
BRUNO DOUGLAS CHARLES	WWT1
BURROWS MATT GENE	BAT
CASTANEDA JESSE	WWT1
CERNYAR NATHAN ELLIOT	WWC4
CERNYAR NATHAN ELLIOT	WWT4
CHANCE SAMUEL NATHAN	DWDVSWWS
CHATTERTON KELLEN SCOTT	DWT1
COOK TODD J	DWD2
COOK TODD J	WWC1
COOK TODD J	WWT1
COURTRIGHT JEREMY L	DWD1
CROOKSTON RILEY B	WWC1
CUNNINGHAM JASON PAUL	DWD3
DAVIS LUCAS KING	DWT1
DONOVAN BRIAN	WWC1
EDWARDS KAYLYNN	WWL2
EVERHART KENNETH NEAL	DWT2
FREEMYER STEVEN JAMES	WWL1
FREEMYER STEVEN JAMES	DWT1
GROTH WALTER JON	DWD2
HADLEY ERIC	WWTOIT
HANSEN NANCY J	DWT1
HARPER IVAN BRUCE	DWD3
HASSELSTROM SCOTT J	WWC2
HAUSER DAVID WILLIAM	WWL2
HEAVYRUNNER KEITH R	DWT4
HENDERSON DAVID ALLEN	WWT3
HENRICKSEN MIKE J	WWC4
HESTON NATHAN MICHAEL	BAT
HOLT BRENTON	WWC2
JOHNSON LEONARD ROY	WWT3
JOHNSON LEONARD ROY	DWD1
JOHNSON JORDAN ARTHUR	WWC1
KAST MALORIE DALYNN	WWT2
KECK RICHARD J	WWC1
KING CLINTON E	DWD2
KLOER JED PAUL	DWD2
LAMB MICHAEL L	DWD1

LARSEN JAMES ALDEN	WWT2
LAWRENCE RYAN	WWC2
LAYMON TRENT	DWD1
LEWIS JOSEPH E	DWD4
LINDHORST RYAN IRVIN	WWC1
MACKIN RONALD EARL	WWT2
MARVIN CHRIS M	WWT2
MERCER JERRY A	DWD1
MERCER JERRY A	WWT1
NEAL GLEN R	WWC1
OTT TIMOTHY MICHAEL	WWT1
OTT TIMOTHY MICHAEL	WWC1
PARRISH TYLER STEVEN	DWT2
PRATT JEFFREY P	WWT1
ROGERS SUNSHINE	DWD2
ROWLEY STEVEN EUGENE	WWT1
SCHNEIDER CHRIS	DWT1
SCHRODT DARLA	DWDVSWWS
SCHULHOFF ROBERT	WWTLA
SMITH JAMEN KEL	DWT1
SOLOMON JAY SPENCER	DWT2
SOLOMON JAY SPENCER	WWT2
STUTO JOHNNY	DWDVSWWS
TOWNSEND MATTHEW W	WWC3
TUCKER CINDY	DWD1
VALENZUELA THOMAS	WWC3
WEISGRAM TANNER	WWC3
WHITE WILLIAM SHANE	WWL1
ZENOR TARREN JORDAN	DWD1

Tabled

901156468
901154822
901140396
901120788

Pending

901153850
901116217
901155884
901155191
901156042
901138344
901134363
901054610
901141466

901141466
901152802
901108371
901063321
901132531
901152528
901152528
901148253
901130993
901032567
901032567
901038090
901118725
901155969
901127881
901138345
901138431
901138431
901108335
901131077
901050848

NEXT MEETING

The next face to face meeting is Wednesday, May 2, 2018 at 8:30 AM MDT. A conference call was scheduled for Wednesday, May 30, 2018 at 2:00 PM MDT.

ADJOURNMENT

Mr. Andersen made a motion to adjourn the meeting at 4:35 PM. It was seconded by Mr. Sifford. Motion carried.

Dr Joan M Cloonan, Chair

Brad D Andersen

Michael S Parker

Daniel J Messier

Michael W Shepherd

Paul D Sifford

Barry N Burnell

Tana Cory, Bureau Chief